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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF ARIZONA**

10 MARIA M. GONZALEZ, et al.,

11 Plaintiffs,

12 vs.

13 STATE OF ARIZONA, et al.,

14 Defendants.

Case No.: CV 06-1268-PHX-ROS (Lead)  
CV 06-1362-PHX-ROS  
CV 06-1575-PHX-ROS

REPLY TO GONZALEZ  
PLAINTIFFS' CONSOLIDATED  
RESPONSE TO THE PIMA  
COUNTY TREASURER'S  
MOTION TO QUASH SUBPOENA  
AND THE OBJECTIONS TO  
SUBPOENA BY THE PINAL  
COUNTY TREASURER AND THE  
MARICOPA COUNTY  
TREASURER AND ADDITIONAL  
MOTION TO QUASH

15 Plaintiffs in their Consolidated Response fail to correctly characterize the  
16 subpoena served on the Pima County Treasurer and, thus, necessitate this reply.  
17 Plaintiffs contend that their subpoena demanded only "...copies of the outside of the  
18 envelopes containing uncounted provisional ballots..." See Dkt. Entry No. 624, p. 5, line  
19 6. In truth, the served subpoena, Attachment 1, makes no such distinction as to copies.  
20 As the Pima County Treasurer noted in her Motion to Quash, the subpoena demands "All  
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1 uncounted provisional and conditional ballot envelopes from each election held in the  
2 county since January 2005.” These ballot envelopes are to be delivered to the law offices  
3 of Roush, McCracken, Guerrero, Miller and Ortega by February 14, 2008. Nowhere does  
4 the subpoena merely request copies of these election documents be forwarded to  
5 Plaintiffs.  
6

7 On February 11, 2008, Pima County Treasurer Beth Ford was served with an additional  
8 subpoena demanding “All uncounted provisional and conditional ballot envelopes from  
9 each election held in the county since January 2006.” A copy is attached as Attachment  
10 2. Again, no mention of copies is made. Undersigned Counsel hereby requests that this  
11 subpoena also be quashed for the reasons previously stated in the original Motion to  
12 Quash.  
13  
14

15 As to the caselaw cited by Plaintiffs in their Response to the Motion to Quash, Dkt. Entry  
16 No. 624, p.7, none of the cited cases concern subpoenas served in federal civil cases and  
17 are, therefore, inapposite.  
18

19  
20 RESPECTFULLY SUBMITTED this 13th day of February 2008.

21 BARBARA LAWALL  
22 PIMA COUNTY ATTORNEY

23  
24 By: /s/ Daniel Jurkowitz  
25 Deputy County Attorney  
26

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February 2008, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants.

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